

20427 U.S. PTO  
031504

**UTILITY APPLICATION**

Attorney Docket No.: **REALNET.014C1**  
First Named Inventor: **Sujal M. Patel**  
Title: **SYSTEM AND METHOD FOR DETERMINING  
NETWORK CONDITIONS**  
Express Mail Label No.: **EV 370472481**

**Direct all correspondence to Customer No.: 20995**

Date: March 15, 2004

Page 1 of 3

**Mail Stop Patent Application**

United States Patent and Trademark Office  
PO Box 1450  
Alexandria, VA 22313-1450

The following enclosures are transmitted herewith to be filed in the patent application of:

**Inventor(s):**

- |                    |                          |
|--------------------|--------------------------|
| 1. Sujal M. Patel  | 2. Jeffrey M. Ayars      |
| 3. Rahul Agarwal   | 4. Bradley D. Hefta-Gaub |
| 5. Peter S. Haight | 6. Dale R. Stammen       |
| 7. Philip Rosedale |                          |

**APPLICATION ELEMENTS:**

(X) Specification in 24 pages.

(X) Drawings in 4 sheets.

(X) Declaration by Inventors in 4 pages.

(X) Copy from parent application

(X) Incorporation by Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered a part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

(X) Examiner in prior application: Soon D. Hyun

(X) Group Art Unit of prior application: 2663

(X) Non-Publication Request, appearing as page 3 of this communication.

Reference to prior domestic applications is made in the:

(X) Reference to prior domestic applications is made in the specification.

**CONTINUITY INFORMATION:**

| Application      | Relationship    | Parent App. No. | Filing Date | Status  |
|------------------|-----------------|-----------------|-------------|---------|
| This Application | Continuation of | 09/246,506      | 02/08/99    | Pending |

(X) Incorporation by Reference. The entire disclosure of the prior application(s) is considered a part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

**OTHER APPLICATION PARTS:**

(X) Return prepaid postcard.

22581 U.S. PTO  
10/800535  
031504

|   |  |
|---|--|
| <b>UTILITY APPLICATION</b>                              | Attorney Docket No.: <b>REALNET.014C1</b>                              |
|   | First Named Inventor: <b>Sujal M. Patel</b>                            |
|   | Title: <b>SYSTEM AND METHOD FOR DETERMINING<br/>NETWORK CONDITIONS</b> |
|   | Express Mail Label No.: <b>EV 370472481</b>                            |
| <b>Direct all correspondence to Customer No.: 20995</b> |  |
| Date: March 15, 2004<br>Page 2 of 3                     |  |

**FILING FEES:**

| FEE CALCULATION    |           |              |                      |                |
|--------------------|-----------|--------------|----------------------|----------------|
| FEE TYPE           |           | FEE CODE     | CALCULATION          | TOTAL          |
| Basic Utility      |           | 1001 (\$770) |                      | \$770          |
| Excess Claims > 20 | 24 - 20 = | 1202 (\$18)  | 4 x 18 =             | \$72           |
| Independent > 3    | 5 - 3 = 2 | 1201 (\$86)  | 2 x 86 =             | \$172          |
|                    |           |              | <b>TOTAL FEE DUE</b> | <b>\$1,014</b> |

(X) A check in the amount of **\$1,014** to cover the Total Fee Due is enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 11-1410.



Eric M. Nelson  
Registration No. 43,829  
Attorney of Record  
Customer No. 20,995  
(619) 235-8550

Eric M. Nelson

MAIL STOP PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22313-1450

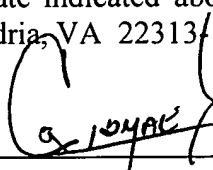
**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

**Attorney Docket No.** : REALNET.014C1  
**Applicant(s)** : Patel, et al.  
**For** : **SYSTEM AND METHOD FOR  
DETERMINING NETWORK CONDITIONS**  
**Attorney** : Eric M. Nelson  
**"Express Mail"**  
**Mailing Label No.** : EV 370472481  
**Date of Deposit** : March 15, 2004

I hereby certify that the accompanying

Transmittal letter; specification in 24 pages; 4 sheets of drawings; **COPY of  
SIGNED** Declaration by Inventor in 4 pages; Check for Filing Fee; Return  
Prepaid Postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
\_\_\_\_\_  
Signature

ISMAEL CENTENO  
\_\_\_\_\_  
Printed Name

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031504

|   |  |
|---|--|
| <b>UTILITY APPLICATION</b>                              | Attorney Docket No.: <b>REALNET.014C1</b>                              |
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| Date: March 15, 2004<br>Page 3 of 3                     |  |

**NONPUBLICATION REQUEST  
UNDER  
35 U.S.C. § 122(b)(2)(B)(i)**

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 USC 122(b).



Eric M. Nelson

March 15, 2004

(619) 235-8550

This request is being signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant understands that this nonpublication request may be rescinded at any time. If applicant rescinds a request that an application not be published under 35 USC 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

Applicant also understands that if applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 USC 122(b)(2)(B)(iii)).**